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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-184

13 MICHELLE RENEE BOURETTE
29414 Via Napoli
14 Laguna Niguel, CA 92677

A C C U S A T I O N

15 Registered Nurse License No. 706968

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about July 11, 2007, the Board of Registered Nursing issued
24 Registered Nurse License Number 706968 to Michelle Bourette (Respondent). The license will
25 expire on June 30, 2009, unless renewed.

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1 “(b) Use any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
4 injurious to himself or herself, any other person, or the public or to the extent that such use
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
6 license.”

7 “....

8 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
9 entries in any hospital, patient, or other record pertaining to the substances described in
10 subdivision (a) of this section.”

11 **COST RECOVERY**

12 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
13 request the administrative law judge to direct a licentiate found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 **CONTROLLED SUBSTANCES AT ISSUE**

17 9. Dilaudid, a brand name for hydromorphone, is a Schedule II controlled
18 substance pursuant to Health and Safety Code Section 11055(b). It is a semi-synthetic opiate
19 derived from morphine.

20 10. Morphine Sulphate, also known as morphine, is a Schedule II controlled
21 substance pursuant to Health and Safety Code Section 11055(b)(1)(M).

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Grossly Inconsistent or Unintelligible Entries in Hospital or Patient Records)

24 11. Respondent’s registered nurse license is subject to disciplinary action
25 under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in
26 Code section 2762, subdivision (e), as follows:

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1 Between March 13, 2008 and May 8, 2008, while working as a nurse at Mission
2 Hospital in Mission Viejo, California, Respondent made grossly incorrect, grossly inconsistent or
3 unintelligible entries in hospital or patient records, including, but not limited to, the following:

4 **Patient A**

5 a. Between March 13, 2008 and March 14, 2008, Respondent signed out 6
6 mg of Dilaudid for this patient, yet failed to chart the administration or wastage of any portion of
7 the drug in any patient or hospital record or otherwise account for the disposition of the drug.

8 **Patient B**

9 b. On or about March 13, 2008, Respondent signed out 8 mg of morphine for
10 this patient for which there was no physician's order for morphine, and failed to chart the
11 administration or wastage of any portion of the drug in any patient or hospital record or otherwise
12 account for the disposition of the drug.

13 **Patient C**

14 c. On or about April 30, 2008, Respondent signed out 2 mg of morphine for
15 this patient for which there was no physician's order for morphine. Respondent charted on the
16 medication record that she gave the patient 1mg of morphine at 2115 hours. Respondent failed
17 to chart the administration or wastage of the additional 1 mg of the Morphine in any patient or
18 hospital record or otherwise account for the disposition of the drug.

19 **Patient D**

20 d. On or about May 8, 2008, Respondent signed out 3 mg of Dilaudid for this
21 patient. Respondent charted that she gave the patient 1 mg at 2000 hours. Respondent failed to
22 chart the administration or wastage of the additional 2 mg of Dilaudid in any patient or hospital
23 record or otherwise account for the disposition of the drug.

24 **SECOND CAUSE FOR DISCIPLINE**

25 (Use of Controlled Substances - Danger to Others)

26 12. Respondent's registered nurse license is subject to disciplinary action
27 under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined
28 in Code section 2762, subdivision (b), in that on or about November 29, 2008, Respondent used


1 controlled substances in a manner dangerous or injurious to herself and others. The
2 circumstances are that on or about November 28, 2008, Respondent was involved in a single car
3 accident while on her way to work at the University of California Irvine in Irvine, California.
4 According to the investigating officers, Respondent appeared very lethargic at the scene, and was
5 slurring her words. Respondent admitted to one of the investigating officers that she was
6 addicted to opiates. The officer noted that Respondent had numerous injection sites on her inner
7 left forearm. Respondent's blood tested positive for opiates, including Hydromorphone.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License No. 706968 issued to
12 Michelle Bourette;
- 13 2. Ordering Michelle Bourette to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 2/26/09

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19 
20 RUTH ANN TERRY, M.P.H., R.N.
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant
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